

REMARKS

Claims 1-5, 7-14, 18-21, 25, 30, 33, 35, 39-42, and 44-53 are pending in the application.

In a Final Office Action mailed on March 19, 2009 (hereinafter "Office Action"), claims 1-5, 7-14, 18-21, 25, 30, 33, 35, 39-42, and 44-53 stand rejected under 35 USC §103(a).

Applicants respectfully respond to the Office Action.

Rejections Under 35 U.S.C. §103(a)

Claims 1-5, 7-14, 18-21, 25, 30, 33, 35, 39-42, and 44-53 stand rejected under 35 USC §103(a) as being unpatentable over various combinations of the following references, namely, US 2001/0034228 (hereinafter, "Lehtovirta"), U.S. Patent No. 6,578,085 (hereinafter, "Khalil"), U.S. Patent No. 7,058,007 (hereinafter, "Daruwalla"), US 2004/0081086 (hereinafter, "Hippelainen"), US 2003/0016629 (hereinafter, "Bender"), U.S. 5,390,326 (hereinafter, "Shah"), U.S. 6,178,327 (hereinafter, "Gomez"), and US 2004/0049565 (hereinafter, "Keller").

The factual inquiries that are relevant in the determination of obviousness under 35 USC §103(a) are: determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398, 2007 U.S. LEXIS 4745, at **4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). As the Board of Patent Appeals and Interferences has recently confirmed, "obviousness requires a suggestion of all limitations in a claim." In re Wada and Murphy, Appeal 2007-3733 (citing CFMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003)). Moreover, the analysis in support of an obviousness rejection "should be made explicit" KSR, 2007 U.S. LEXIS 4745, at **37. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

The Examiner rejected claims 1-5, 7-12, 14, 18, 25, 30, 33, 39, 40, 42, 44, 46-49, 52 and 53 as being unpatentable over Lehtovirta in view of Khalil and Daruwalla.

By this amendment, claim 1 has been amended. Amended claim 1 now recites, among other things,

“generating at the end node, from Mobile IP signals directed to said end node or transmitted by said end node, a list of network nodes identifying network nodes used in routing signals...”

The references of Lehtovirta, Khalil, and Daruwalla references taken alone or in combination, fail to disclose or suggest the above claim limitation.

In an Advisory Action dated June 23, 2009, the Examiner stated that the claims do not require the list to be generated by the end node. However, the Examiner agreed that if the claims required the list to be generated by the end node, then the claims would be different from Khalil.

Applicants respectfully submit that the preamble of claim 1 clearly states that the claim limitations are directed to the operation of an end node. However, for further clarification, claim 1 has been amended to include the end node into the body of the claims “generating at the end node, . . .”

Claim 1 as amended is now believed to be distinctly distinguishable over Lehtovirta, Khalil, and Daruwalla, singly or in combination, and further in conformance with the Examiner’s comments. Withdrawal of the Examiner’s rejection of claim 1 under 35 U.S.C. § 103(a) is believed to be in order and is respectfully requested.

As to claims 39, 42, 46, 48, and 52, they have been amended to recite a claim element to generate a list at an end node similarly to claim 1. Claim 1 is submitted to be patentable as set forth above, claims 39, 42, 46, 48, and 52 are also patentable for at least the same reasons.

Likewise, claims 2-5, 7-12, 14, 18, 25, 30, 33, 40, 44, 47, 49, and 53 are also submitted to be patentable, as these claims depend on the patentable base claims as set forth above.

Accordingly, Applicants respectfully request that the Examiner's rejection of dependent claims 2-5, 7-12, 14, 18, 25, 30, 33, 40, 44, 47, 49, and 53 under 35 U.S.C. § 103(a) be withdrawn.

The Examiner rejected claim 13 as being unpatentable over Lehtovirta in view of Daruwalla and Hippelainen.

Claim 13 depends from claim 1. Since claim 1 is submitted to be patentable over the cited references, claim 13 includes additional limitations and is therefore submitted to be even more patentable over the prior art. Applicants respectfully request that the Examiner's rejection of claim 13 under 35 U.S.C. § 103(a), be withdrawn.

The Examiner also rejected dependent claims 19-21 and 41 as being unpatentable over Lehtovirta in view of Khalil and Daruwalla as applied to claim 18 above, and further in view of Shah.

With respect to dependent claims 19-21 and 41, Applicants submit that these claims are patentable as they depend on the allowable base claims, for the same reasons as set forth above.

The Examiner further rejected dependent claim 35 as being unpatentable over Lehtovirta in view of Daruwalla, as applied to claim 25, and in further view of Shah.

With respect to dependent claim 35, this claim 35 is submitted to be patentable because claim 35 depends on patentable claims 25 and 1.

The Examiner also rejected dependent claim 45 as being unpatentable over Lehtovirta in view of Khalil and Daruwalla as applied to claim 44 above, and further in view of Hippelainen.

Again, for the same reasons, Applicants submit that dependent claim 45 is patentable because claim 45 depends on an allowable base claim.

In light of the above, Applicants respectfully request that the Examiner's rejection of dependent claims 13, 19-21, 41, 35 and 45 under 35 U.S.C. § 103(a) be withdrawn.

In the Office Action, independent claims 50 and 51 were also rejected as being unpatentable over Lehtovirta in view of Daruwalla.

Independent claims 50 and 51 are directed to a device and a computer-readable media, respectively. Claims 50 and 51 have been amended and each of these claims recites in part:

“determining said fault response operation as a function of fault response information stored in said end node prior to receiving the fault signal, said stored fault response information relating to a plurality of possible operations; and

wherein said step of determining said fault response operation is also performed as a function of the network node at which the fault

occurred with said operation being selected from a plurality of possible operations based on both the type of fault and which one of a plurality of network nodes was the node at which the fault occurred.”

Claims 50 and 51 as amended, each now recites, a fault operation is determined as a function of fault response information stored in an end node prior to receiving a fault signal. Furthermore, the fault response is determined based on the type of fault as claimed.

The Lehtovirta and Daruwalla references taken alone or in combination fail to disclose or suggest the above claim limitations.

In the Advisory Action, the Examiner asserted that the failure message of Lehtovirta is stored in the end node’s memory before processing, and therefore teaches the operation of “determining” as claimed. Applicants respectfully disagree. Lehtovirta fails to disclose storing the failure message in a memory before processing as alleged by the Examiner. Amended claims 50 and 51 further clarify that the fault response information is stored in the end node prior to receiving the fault signal, which clearly distinguishes over the prior art.

The Examiner also asserted in the Advisory Action, the claims do not require the end node to determine the type of fault. Applicants respectfully disagree. Applicants submit that claims 50 and 51 clearly state that the default operation is selected from a plurality of operations based on the type of fault. The type of fault is determined in order to perform the selection.

Based on the reasons above, Applicants respectfully request that the rejection on claims 50 and 51 be withdrawn.

Application No. 10/619,384
Amendment dated July 27, 2009
Reply to Final Office Action of March 19, 2009

REQUEST FOR ALLOWANCE

In light of the foregoing, all claims remaining in application, i.e. claims 1-5, 7-14, 18-21, 25, 30, 33, 35, 39-42, and 44-53 are submitted to be patentable over the prior art. Applicants believe the application is in condition for allowance, reconsideration and allowance are respectfully requested.

In the event of any fees may be due or any overpayments may be associated with this response, please charge or deposit the amount to Deposit Account No. 17-0026.

Respectfully submitted,

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